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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,782	08/21/2001	Cornelius Wilhelmus Antonius Marie Van Overveld	NL000465	6741

24737 7590 07/29/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

27

# Office Action Summary

Application No.

09/933,782

Applicant(s)

VAN OVERVELD, CORNELIUS  
WILHELMUS ANTON

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-10 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (U. S. Patent 6,313,745, referred to as **Suzuki**).

#### **Claim 1**

Suzuki anticipates maintaining a clothing profile (**Suzuki**, col 2, lines 10-23), detecting a piece of clothing (101-105) being selected and updating the clothing profile based on said selection (**Suzuki**, col 2, lines 10-23), and generating the recommendation from the updated clothing profile (**Suzuki**, col 2, lines 10-23).

**Claim 2**

Suzuki anticipates user profiling means (302) for maintaining a clothing profile (**Suzuki**, col 2, lines 10-23), detection means (111) for detecting a piece of clothing (101-105) being selected (**Suzuki**, col 2, lines 10-23), coupled to the user profiling means (302) for updating the clothing profile based on the selected piece of clothing (101-105) (**Suzuki**, col 5, lines 18-33), recommendation means (303) for generating a recommendation from the updated clothing profile (**Suzuki**, col 6, lines 57-59), and presentation means (200) for presenting (201) the recommendation to the user (**Suzuki**, col 7, lines 4-9).

**Claim 3**

Suzuki anticipates determining a list of available pieces of clothing (101-105) (**Suzuki**, col 7, lines 4-9), combining plural pieces from the list to form a collection of subsets, the recommendation comprising at least one subset from the collection of subsets (**Suzuki**, col 7, lines 4-7).

**Claim 4**

Suzuki anticipates the recommendation means (303) being arranged for eliminating from the collection a number of subsets that are not suitable for a present situation (**Suzuki**, col 6, lines 60-67).

**Claim 5**

Suzuki anticipates wherein the user profiling means (302) are coupled to smart card read/write means (306, 310, 311) for maintaining the clothing profile stored on a smart card (320) (**Suzuki**, col 5, lines 18-33).

**Claim 6**

Suzuki anticipates input means (202) for determining a purpose for which the piece of clothing has been selected (**Suzuki**, col 2, lines 25-39), the user means (302) being arranged for updating the clothing profile further based on the determined purpose (**Suzuki**, col 5, lines 18-33; col 8, lines 36-42).

**Claim 7**

Suzuki anticipates the input means (302) being arranged for determining the purpose based on an appointment in an electronic calendar (**Suzuki**, col 8, lines 43-57).

**Claim 8**

Suzuki anticipates presenting a targeted clothing advertisement to a user, comprising obtaining a clothing profile for the user, determining a clothing product that matches the clothing profile, and sending an identifier of the clothing product to the user (**Suzuki**, col 6, lines 60-67; col 7, lines 1-9).

**Claim 9**

Suzuki anticipates generating a representation (201) of the clothing product using the identifier and rendering the representation (201) to the user (**Suzuki**, col 6, lines 60-67; col 7, lines 1-9).

**Claim 10**

Suzuki anticipates the clothing profile is obtained by reading the 15 clothing profile from a smart card (320) (**Suzuki**, col 5, lines 19-32).

***Conclusion***

5. Claims 1-10 are rejected.

***Correspondence Information***

6. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anil Khatri can be reached at (703) 305-0282.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,  
Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

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Art Unit: 2121

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Receptionist, Crystal Park II


2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hirl



July 24, 2003



**ANIL KHATRI**  
**PRIMARY EXAMINER**